

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Michael Brown**
Docket No. **259821**
L.C. No. **04-002416-FH**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The claim of appeal is DISMISSED for lack of jurisdiction because a review of the register of actions shows that a motion for new trial was filed on November 29, 2004, and that it had not been disposed of. If an appellant files a motion for a new trial within 42 days of the entry of a final order, the finality of the order is suspended until the trial court decides that motion. An appeal as of right may then be filed after entry of the order deciding the motion. See MCR 6.425(F)(1)(a). A claim of appeal that is filed before decision on the motion for new trial is a premature claim as indicated by MCR 6.425(F)(1)(a).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN - 7 2005
Date

Sandra Schultz Mengel
Chief Clerk